

**Amendments to the Drawings**

The attached sheets of drawings include a new sheet including Fig. 5A. In Figure 5A, a step-wise transition is shown.

Attachment: Six Replacement and/or New Drawing Sheets

## **REMARKS**

Applicant has received and carefully reviewed the Office Action of the Examiner mailed February 21, 2008. Currently, claims 10, 12, and 26-33 remain pending and stand rejected. With this paper, claims 10 and 27-30 have been amended and claims 26 and 31 have been cancelled. Support for the amendments may be found in the specification, claims and drawings as filed. No new matter has been added. Favorable consideration of the following remarks is respectfully requested.

### **Claim Rejections Under 35 U.S.C. §112**

Claims 26, 27, 28, and 31 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the specification lacks support for a “step-wise transition” between wire diameters. Applicant respectfully traverses the rejection. Support for a “step-wise transition” may be found, for example, at page 9, lines 7-8 and page 11, lines 13-14. Reconsideration and withdrawal of the rejection is respectfully requested.

### **Drawings**

The drawings are objected to under 37 CFR 1.83(a). The Examiner asserts that the step-wise transition from the distal diameter to the proximal diameter must be shown or cancelled from the claims. Figure 5A has been added to show a step-wise transition from the proximal diameter to the distal diameter. No new matter has been added. Withdrawal of the objection is respectfully requested.

### **Claim Rejections Under 35 U.S.C. §103**

Claims 10, 12 and 26-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schoenholtz, U.S. Patent No. 6,203,534, in view of Cohen, U.S. Patent No. 5,330,521 or Clint, U.S. Patent Publication No. 2002/0074501. Applicant respectfully traverses the rejection.

Independent claims 10, 27, and 29 each contain the limitation of wherein each of the continuous wires of the reinforcing braid layer includes a step-wise transition from the distal diameter of each of the continuous wires to the proximal diameter of each of the continuous wires. Schoenholtz, Cohen, and Clint do not teach this limitation. In formulating the rejection,

the Examiner states, “Schoenholtz meets the claim limitations as described above except for the distal and proximal braided section having a decreasing cross sectional area.” The Examiner relies on Cohen or Klint to provide the missing claim limitation. The present application teaches on page 11, lines 13-14, “The wires 58, 60 can also be formed having a more abrupt transition between the first and second diameters.” The Examiner asserts, “Cohen teaches (Figure 4) an implantable tubular device that uses a wire-reinforcement coil (42) with a diameter that decreases an incremental step-wise along its length (dL, dS) along with various production methods (Figure 4, col 8, ln 60-70, col 9, ln 1-43).” However, Cohen does not teach a wire reinforcement coil that decreases in a step-wise transition. Cohen teaches a wire coil that is a component of an electrical lead and not a reinforcement coil. Further, Cohen teaches at column 8, lines 35-39, “It should be noted that the taper of the wire core may be precisely controlled so as to be as gradual as desired. Generally, the more gradual the taper, the less stress concentration there is in the tapered section of the wire core.” Emphasis added. Cohen is emphasizing a tapered wire and not a step wise transition. Further, Cohen later teaches a method of forming the wire such that the wire core has a tapered diameter with no discontinuities. See column 9, lines 29-42. Cohen teaches away from a step-wise transition from a first diameter to a second diameter.

Further, Klint does not teach a step-wise transition from a first diameter to a second diameter. Klint teaches a wire core that is made from a wire with a constant diameter throughout the length that is ground down after forming the coil. Figure 2 of Klint shows the coil as gradually tapering from a circular wire to a semi-circular wire. One of ordinary skill in the art would not interpret the coil of Klint as a step-wise transition from a first diameter to a second diameter.

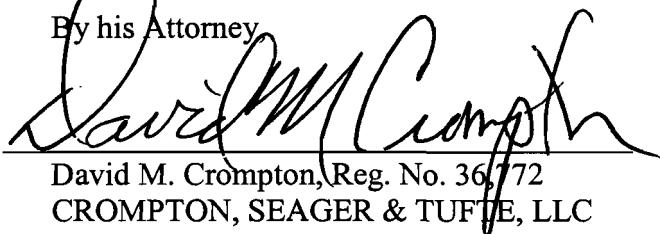
For at least the reasons set forth above, Schoenholtz does not teach each and every element of independent claims 10, 27, and 29. Cohen and Klint do not teach what Schoenholtz lacks. Thus, even if one were to combine Schoenholtz and Cohen or Klint, one would not arrive at the device as claimed. Furthermore, there is no motivation for one of ordinary skill in the art to modify Schoenholtz, Cohen or Klint to achieve the device as claimed. Applicant submits that claims 12, 28, 30, 32 and 33 are also in condition for allowance as they depend from the above claims and add significant limitations to further distinguish them from the prior art.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his Attorney



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